

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

In re: Western States Wholesale Natural Gas  
Antitrust Litigation

**JUDGMENT IN A CIVIL CASE**

Case Number: 2:03-CV-1431 PMP-PAL

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and decision has been rendered.
- ☐ **Notice of Acceptance with Offer of Judgment.** A notice of acceptance with offer of judgment has been filed in this case.

IT IS ORDERED AND ADJUDGED

Defendants' Joint Renewed Motion and Motion for Summary Judgment (Doc. #1880) is hereby GRANTED in part and DENIED in part as follows:

- In Learjet, et al. v. ONEOK, Inc., et al., 2:06-CV-00233-PMP-PAL, all of Plaintiff's claims in the Second Amended Complaint (Doc. #1857) are hereby dismissed as preempted against the following Defendants: ONEOK, Inc.; ONEOK Energy Marketing & Trading Co., L.P.; The Williams Companies, Inc.; Williams Merchant Services Company, Inc.; Williams Energy Marketing & Trading; American Electric Power Company, Inc.; AEP Energy Services, Inc.; Duke Energy Trading and Marketing, L.L.C.; Dynegy Marketing & Trade; El Paso Corporation; El Paso Merchant Energy, L.P.; CMS Marketing Services & Trading Company; CMS Field Services; Reliant Energy Services, Inc.; Coral Energy Resources, L.P.; Xcel Energy, Inc.; ePrime, Inc.
- In Heartland Regional Medical Center, et al. v. ONEOK, Inc., et al., 2:07-CV-00987-PMP-PAL, all of Plaintiff's claims in the Amended Complaint (Doc. #1863) are hereby dismissed as preempted against the following Defendants: ONEOK, Inc.; ONEOK Energy Marketing & Trading Co., L.P.; The Williams Companies, Inc.; Williams Merchant Services Company, Inc.; Williams Energy Marketing & Trading; Duke Energy Trading and Marketing, L.L.C.; Dynegy Marketing & Trade; El Paso Corporation; El Paso Merchant Energy, L.P.; CMS Marketing Services & Trading Company; CMS Field Services; Reliant Energy Services, Inc.; Coral Energy Resources, L.P.; Xcel Energy, Inc.; ePrime, Inc.
- In Breckenridge Brewery of Colorado, LLC, et al. v. ONEOK, Inc., et al., 2:06-cv-01351-PMP-PAL, all of Plaintiff's claims in the Amended Complaint (Doc. #717) are hereby dismissed as preempted against the following Defendants: Xcel Energy, Inc.; ePrime Energy Marketing, Inc.

- In Reorganized FLI, Inc. v. Williams Companies Inc., et al., 2:05-CV-01331-PMP-PAL, all of Plaintiff's claims in the Amended Complaint (Doc. #11 in 2:05-CV-01331-PMP-PAL) are hereby dismissed as preempted against the following Defendants: ONEOK, Inc.; ONEOK Energy Marketing & Trading Co., L.P.; The Williams Companies, Inc.; Williams Merchant Services Company, Inc.; Williams Energy Marketing & Trading; American Electric Power Company, Inc.; AEP Energy Services, Inc.; Duke Energy Trading and Marketing, L.L.C.; Dynegy Marketing & Trade; El Paso Corporation; El Paso Merchant Energy, L.P.; CMS Marketing Services & Trading Company; CMS Field Services, Inc.; Reliant Energy Services, Inc.; Coral Energy Resources, L.P.; Xcel Energy, Inc.; ePrime, Inc.
- In Arandell Corp., et al. v. Xcel Energy, Inc., et al., 2:07-CV-01019-PMP-PAL, all of Plaintiff's claims in the Corrected Second Amended Complaint (Doc. # 190 in 2:07-CV-01019-PMP-PAL) are hereby dismissed as preempted against the following Defendants: Xcel Energy, Inc.; Northern States Power Company; CMS Energy Resources Management Company (f/k/a CMS Marketing Services and Trading Company); Coral Energy Resources, L.P.; Duke Energy Trading and Marketing, L.L.C.; Dynegy Illinois Inc.; DMT G.P. L.L.C.; Dynegy GP Inc.; Dynegy Marketing and Trade; ePrime, Inc.; El Paso Corporation; El Paso Merchant Energy, L.P.; ONEOK, Inc.; ONEOK Energy Services Company L.P. (f/k/a ONEOK Energy Marketing and Trading Company, L.P.); Reliant Energy Services, Inc.; The Williams Companies, Inc.; Williams Power Company, Inc. (Williams Energy Marketing & Trading); Williams Merchant Services Company, Inc.
- In Arandell Corp., et al. v. CMS Energy Corp., et al., 2:09-CV-01103-PMP-PAL, all of Plaintiff's claims in the Amended Complaint (Doc. #10-2 in 2:09-CV-01103-PMP-PAL) are hereby dismissed as preempted against the following Defendants: CMS Energy Corporation; CMS Energy Resources Management Company (f/k/a CMS Marketing Services and Trading Company); Cantera Gas Company, LLC (f/k/a CMS Field Services, Inc.).
- In NewPage Wisconsin System, Inc. v. CMS Energy Resource Management Co., et al., 2:09-CV-00915-PMP-PAL, all of Plaintiff's claims in the Amended Complaint (Doc. #1952) are hereby dismissed as preempted against the following Defendants: CMS Energy Resources Management Company (f/k/a CMS Marketing Services and Trading Company); Xcel Energy, Inc.; Northern States Power Company; Coral Energy Resources, L.P.; Duke Energy Trading and Marketing, L.L.C.; Dynegy Illinois Inc.; DMT G.P. L.L.C.; Dynegy GP Inc.; Dynegy Marketing and Trade; ePrime, Inc.; El Paso Corporation; El Paso Marketing, L.P.; ONEOK, Inc.; ONEOK Energy Services Company L.P. (f/k/a ONEOK Energy Marketing and Trading Company, L.P.); Reliant Energy Services, Inc.; The Williams Companies, Inc.; Williams Power Company, Inc. (Williams Energy Marketing & Trading); Williams Merchant Services Company, Inc.

The motion is DENIED as to the remaining Defendant in Learjet, et al. v. ONEOK, Inc., et al., and Heartland Regional Medical Center, et al. v. ONEOK, Inc., et al., 2:07-CV-00987-PMP-PAL, Defendant Kansas Gas Marketing Company.

The ePrime Defendants' Notice of Motion and Motion for Partial Summary Judgment Based on Preemption (Doc. #1884) is hereby GRANTED as follows:

- In Sinclair Oil Corporation v. e-Prime, Inc. & Xcel Energy Inc., 2:06-CV-00267-PMP-PAL, counts 3 through 11 of Plaintiff's Complaint (Doc. #1 in 2:06-CV-00267-PMP-PAL) are hereby dismissed as preempted against the following Defendants: Xcel Energy, Inc.; ePrime, Inc.

Dynegy Inc. and Dynegy Marketing and Trade's Motion for Partial Summary Judgment (Doc. #1891) is hereby GRANTED as follows:

- In Multiut Corporation v. Dynegy, Inc., et al., 2:05-CV-01300-PMP-PAL, counts 2 and 3 of Plaintiff's Complaint (Doc. #1 in 2:05-CV-01300-PMP-PAL) are hereby dismissed as preempted against the following Defendants: Dynegy, Inc.; Dynegy Marketing and Trade.

ONEOK Energy Services Company's Motion for Partial Summary Judgment (Doc. #1944) is hereby GRANTED as follows:

- In Sinclair Oil Corporation v. OneOK Energy Services Company, L.P., 2:06-CV-00282-PMP-PAL, counts 1-6, 8, and 10 of Plaintiff's claims in the Complaint (Doc. #1 in 2:06-CV-00282-PMP-PAL) are hereby dismissed as preempted against the following Defendants: ONEOK Energy Services Company, L.P.

Plaintiffs' Motion for Class Certification (Doc. #1383) and Plaintiffs' Motion for Class Certification (Doc. #1394) are hereby DENIED as moot.

To the extent this Order results in judgment against fewer than all Defendants and/or judgment on fewer than all claims in any of the above actions, the Court directs final judgment be entered on the above-identified claims for the above-identified Defendants, as no just reason for delay exists.

LANCE S. WILSON

CLERK

*Lance S. Wilson*

(By) DEPUTY CLERK



August 18, 2011 Las Vegas NV

DATE